



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,497	07/16/2001	Masanori Hattori	211371US2RD	2254
22850	7590	11/01/2007		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER CUFF, MICHAEL A	
			ART UNIT	PAPER NUMBER
			3627	
			NOTIFICATION DATE	DELIVERY MODE
			11/01/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary

Application No.

09/904,497

Applicant(s)

HATTORI

Examiner

Michael Cuff

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-23 and 26-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-23 and 26-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7-13, 15-17, 19-23, 26-32, 34, 35 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welch in view of Nocek et al.

Welch teaches all of the limitations of the claims except for a teaching of time information and scheduled activities.

Welch shows a location-triggered reminder for mobile user devices. From column 1, lines 23-42) Illustratively, according to the invention, a mobile user device-- such as a personal digital assistant (PDA, Internet accessible), a wireless telephone, a car phone, or any other programmable device that the user generally has with him or her--is equipped with a global positioning system (GPS) receiver and is programmable by the user to alert the user to when he or she (along with the device) arrives at a predetermined (scheduled) location (user state judgment unit), as well as to disclose to the user whatever information (stored information) or perform whatever action the user chose to associate with the location. Thus, for example, when the user arrives in the vicinity of the post office, the device alerts him or her that they have a letter to post; when the user is passing by the local grocery store (automatically judged to be currently

fit to make a purchase), the device alerts (user notification unit) him or her and displays a shopping list; and when the user arrives at home, the device alerts him or her to check the furnace filters. Consequently, the user does not have to rely on his or her memory to be reminded of desired information or actions upon his or her arrival at a particular location. From column 3, lines 34-38, instead of or in addition to displaying information associated with a location, other actions may be taken, including sending signals on the I/O port (via a network) to other devices such as personal computers or an automobile.

Nocek et al. teaches a method and system for providing automatic reminders (see dynamic threshold parameters, including current factors, column 8, lines 11-60) about points of interests while traveling, which includes both location and time data along with route or schedule in order to minimize one's travel time and still get to the desired locations.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the position judging Welch system to incorporate the time element of the Nocek et al. system in order to minimize one's travel time and still get to the desired locations.

Claims 14, 18, 33 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination system of Welch and Nocek et al., as applied to claims 1 and 20 above, in further view of Jacobi et al.

The combination system of Welch and Nocek et al. teaches all of the limitations of the claims except for a teaching of a purchase log and the step of recommending new items based on the purchase log.

Jacobi et al teach an online recommendation system that recommends products to users based on their purchase history (see, for example, column 1, lines 14-25) in order to identify the items that may be of interest to a particular user.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination system of Welch and Nocek et al. to specify, as part of its taught "other actions may be taken", contacting and using the Jacobi et al. system in order to identify the items that may be of interest to a particular user.

Response to Arguments

Applicant's arguments filed 3/27/07 have been fully considered but they are not persuasive.

Applicant asserts that Nocek fails to indicate scheduled activities of a user at different times. The examiner does not concur. The schedules activities are the user-selected points of interest and the indication is the proximity reminder feature.

Applicant asserts that Nocek fails to teach judging of whether the user is currently fit to make the action for purchasing. The examiner does not concur. Determining proximity to a point of interest is a judgment that the user is fit to make a purchase.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (571) 272-6778. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 10/29/07
Michael Cuff
October 29, 2007